

File Copy

Attorney's Docket No.: 09857-086001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John F. Malitzis
Serial No. : 10/040,912
Filed : January 7, 2002
Title : AUTOMATED MARKET SYSTEM WITH SELECTABLE MATCH-OFF OF
ORDER FLOW

Art Unit : 3693
Examiner : Sara M. Chandler

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicant hereby petitions under 37 CFR §1.137(b) to revive the above application, which was abandoned on June 6, 2008 for failure to respond to an Office Action mailed October 31, 2007.

Attached is a Notice of Appeal in response to the Office Action to continue prosecution of the application.

Applicant submits that the entire period of delay was unintentional.

Please apply the \$1,540 petition fee and any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 09857-086001.

Respectfully submitted,

Date: June 12, 2008

/Denis G. Maloney/
Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

21946750.doc

08/15/2008 LDIEP1 00000005 061050 10040912
01 FC:1453 1540.00 DA
02 FC:1401 510.00 DA

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: June 12, 2008

Fee Copy

Attorney's Docket No.: 09857-086001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John F. Malitzis
Serial No. : 10/040,912
Filed : January 7, 2002
Title : AUTOMATED MARKET SYSTEM WITH SELECTABLE MATCH-OFF OF
ORDER FLOW

Art Unit : 3693
Examiner : Sara M. Chandler
Conf. No. : 3822

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated October 31, 2007, finally rejecting claims 1-14 and 17-19.

Please apply the \$510 fee and any other charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 09857-086001.

Respectfully submitted,

Date: June 12, 2008

/Denis G. Maloney/
Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

21946814.doc

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: June 12, 2008